

their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: January 9, 1995.

Stephen L. Johnson,

Acting Director, Office of Pesticide Programs.

[FR Doc. 95-1677 Filed 1-23-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-300373A; FRL-4932-8]

Oxyfluorfen; Request for Comment on Petition to Revoke Certain Food Additive Regulations; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending for 60 days the comment period on a petition filed by Rohm & Haas Co. for revocation of certain food additive regulations for oxyfluorfen.

DATES: Written comments, identified by the document control number, [OPP-300373A], must be received on or before March 13, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review

and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 32C5, Crystal Station #1, 2800 Crystal Drive, Arlington, VA, Telephone: 703-308-8028.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 14, 1994 (59 FR 64405), that announced the receipt of a petition submitted by Rohm and Haas Co. that requested the revocation of section 409 food additive regulations established under the Federal Food, Drug and Cosmetic Act (FFDCA) for oxyfluorfen in or on cottonseed oil, mint oil, and soybean oil. Rohm and Haas Co. has requested a 60-day extension of the original 30-day comment period, which was set to expire on January 13, 1995, to complete two processing studies. EPA is granting the 60-day extension of the comment period because the additional data may be useful to EPA in ruling on the petition.

It should also be noted that in the **Federal Register** of July 1, 1994, EPA issued a proposed rule to revoke the section 409 food additive regulation for oxyfluorfen in or on cottonseed oil, mint oil, and soybean oil because oxyfluorfen induces cancer in animals. Therefore, this food additive regulation violates the Delaney clause in section 409 of the FFDCA.

Authority: 21 U.S.C. 346a and 348.

Dated: January 12, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95-1676 Filed 1-23-95; 8:45 am]

BILLING CODE 6560-50-F

[FRL-5143-2]

Proposed Settlement Under Section 106, 107, 122 of Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Administrative Settlement and Opportunity for Public Comment.

SUMMARY: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the North Haledon Site which is located in North Haledon, Passaic County, New Jersey. Section 122(h) of CERCLA provides EPA with authority to consider, compromise,

and settle certain claims for costs incurred by the United States.

The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), as amended. This settlement is intended to resolve liabilities of Hofer Machine and Tool Company for costs incurred by EPA at the North Haledon Site.

Under this agreement, Hofer Machine and Tool Company will pay a total of \$625,000, plus interest until payment is received in full, for response costs incurred by EPA at the North Haledon Site. This administrative settlement will not be final until formal approval by the Assistant Attorney General and signature by the Regional Administrator.

DATES: Comments must be provided by February 23, 1995.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, Room 309, 26 Federal Plaza, New York, New York 10278 and should refer to: In the Matter of North Haledon Superfund Site, Index No. II-CERCLA-122-93-0101. A copy of the proposed administrative settlement agreement, as well as background information relating to the settlement, may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, New Jersey Superfund Branch, Room 309, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, Room 309, 26 Federal Plaza, New York, New York 10278, (212) 264-2858, Attention: Damaris C. Urdaz, Esq.

Dated: December 21, 1994.

William J. Muszynski, P.E.,

Deputy Regional Administrator.

[FR Doc. 95-1668 Filed 1-23-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5142-5]

Proposed Revision of Initial List of Categories of Sources and Schedule for Standards Under Sections 112(c)(1), 112(c)(9), and 112(e) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed delisting of the asbestos processing area source category from the initial list of categories and

schedule for major and area sources of hazardous air pollutants.

SUMMARY: This notice proposes a revision to the initial list of categories of sources of hazardous air pollutants (HAP), published on July 16, 1992, and the schedule for promulgation of emission standards, published on December 3, 1993. The Agency is obligated to, "from time to time, but no less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources. . . ."

Today's proposal would, if made final, remove an area source category (asbestos processing) that was listed on July 16, 1992. The proposal to remove (delist) the asbestos processing source category is based on information obtained during the initial stage of standards development for this source category. These data conclusively show that asbestos emissions from specific plants that were the basis for the initial listing are significantly lower than previously estimated. As a result, the Agency believes that no source in the category emits asbestos in quantities which may cause a lifetime risk of cancer greater than one in one million in the individual most exposed to such emissions and that the previous determination that asbestos emissions from these plants pose a threat of adverse health effects appears to be no longer supportable.

Through this notice, EPA solicits comments on this proposed decision.

DATES: *Comments.* Written comments must be received on or before February 23, 1995.

ADDRESSES: Interested parties may submit written comments (in duplicate) to Public Docket No. A-94-69, at the following address: U. S. Environmental Protection Agency, Air Docket Section, Waterside Mall, Room 1500, 401 M Street, S.W., Washington, D.C., 20460. The Agency requests that a separate copy also be sent to the contact person listed below.

Docket. Docket No. A-94-69, containing supporting information used in developing this notice, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the Agency's Air Docket, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning specific aspects of this proposal, contact Susan Fairchild-Zapata, Minerals and Inorganic Chemicals Group, Emission

Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5167.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act Amendments of 1990 (Pub. L. 101-549) amended the Clean Air Act (the Act) to require, under section 112, that the Agency list and promulgate regulations requiring control of emissions of HAPs from categories of major and area sources. Section 112(c)(1) requires the Administrator to publish, and from time to time revise, if appropriate, in response to comments or new information, a list of all categories and subcategories of major and area sources of HAPs. Section 112(c)(3) requires that the Administrator list any area source category (one for which each source emits less than 10 tons/year of any one HAP and less than 25 tons per year of all HAPs) that the Administrator finds poses a threat of adverse health effects to human health. Pursuant to the various specific listing requirements in section 112(c), the Agency published on July 16, 1992 (57 FR 31590) a finding of adverse effects for the source category of asbestos processing and therefore included that source category on the list of source categories that would be thenceforth subject to emission standards. Following this listing, pursuant to requirements in section 112(e), the Agency on December 3, 1993 (58 FR 63941) published a schedule for the promulgation of emission standards for each of the 174 listed source categories. The reader is directed to these two notices for information related to development of the initial list and schedule.

Subsequent to publication of the initial list and schedule, several notices have revised the list and schedule in the context of actions related to individual source categories. For example, on November 12, 1993 (58 FR 60021), the Agency listed marine vessel loading operations as a category of major sources, with standards to be promulgated, pursuant to section 112(c)(5) by the year 2000. As another example, on September 8, 1994 (59 FR 46339), the Agency promulgated standards for HAP emissions for industrial process cooling towers. This latter action did not revise the list or schedule, *per se*, but specifically delineated rule applicability by defining the affected sources within the listed category. The Agency believes that defining rule applicability and affected sources as part of standard setting constitutes an important aspect of list

clarification. As was stated in the original listing notice (57 FR 31576):

The Agency recognizes that these descriptions [in the initial list], like the list itself, may be revised from time to time as better information becomes available. The Agency intends to revise these descriptions as part of the process of establishing standards for each category. Ultimately, a definition of each listed category, or subsequently listed subcategories, will be incorporated in each rule establishing a NESHAP for a category.

Various other Agency actions may trigger the need for revisions to the list or schedule. As one example, the Administrator may delete categories of sources pursuant to section 112(c)(9), on her own motion or on petition, subject to criteria regarding cancer effects, non-cancer health effects and environmental effects. In addition, under section 112(c)(1), the Agency may revise the initial source category list if new information indicates that such action is appropriate.

Pursuant to section 112(c)(9), EPA today is proposing to delete a category of area sources, the asbestos processing source category, from the list on the Administrator's own motion. Further, EPA believes that the previous determination under section 112(c)(1) that asbestos emissions from these plants pose a threat of adverse health effects, and hence should be included on the list of area source categories, appears to no longer be supportable.

Prior to issuance of the initial source category list under section 112(c)(1), the EPA published a draft initial list for public comment, see 56 FR 28548 (June 21, 1991). Although EPA was not required to take public comment on the initial source category list, the Agency believed it was useful to solicit input on a number of issues related to the list. Indeed, in most instances, even where there is no statutory requirement to take comment, EPA solicits public comment on actions it is contemplating. The EPA has, therefore, decided that it is appropriate to solicit additional public comment on the revision proposed in today's notice.

II. Description of Proposed Revision

A. Deletion of a Source Category on the Administrator's Own Motion

In today's notice, the Agency is proposing to delete the asbestos processing area source category on the Administrator's own motion. The Agency has obtained new information which no longer supports the finding of a threat of adverse health effects on which the initial listing for this area source was based under section 112(c)(3).

The Agency is proposing to take this action under the authority of section 112(c)(9)(B) for deleting source categories and under section 112(c)(1) of the Act which allows the Agency to revise the list of source categories if such revision is appropriate in response to new information. Under section 112(c)(9)(B), the Agency may delete a category of major or area sources from the list, based on petition of any person or on the Administrator's own motion, upon a determination that: (1) In the case of sources that emit HAPs that may result in cancer, no source in the category (or group of sources in the case of area sources) emits HAPs in quantities that may cause lifetime cancer risk greater than one in one million to the most exposed individual; or, (2) in the case of sources that emit HAPs that may result in non-cancer adverse health effects or adverse environmental effects, emissions from no source in the category (or group of sources in the case of area sources) exceed a level adequate to protect public health with an ample margin of safety and no adverse environmental effects will result. As discussed below, the Agency has met the legal requirements of section 112(c)(9)(B) for this action.

Regarding section 112(c)(1) of the Act, EPA believes that the new information discussed below indicates that the asbestos processing source category was improperly listed based on incorrect data. New information indicates that the level of asbestos emissions from such sources was greatly overstated in the initial studies, and the new information indicates that no source in the category is emitting asbestos in quantities that may cause adverse health effects. Accordingly, EPA is proposing to revise the source category list by deleting the asbestos processing source category.

B. Asbestos Processing

The area source category of asbestos processing was included on the initial source category list, accompanied by a finding under section 112(c)(3) of a threat of adverse effects to human health. The Administrator made no such finding with regard to environmental effects and made no finding with regard to the non-carcinogenic effects of emissions. The reader is referred to the initial July 16, 1992 list (57 FR 31576) for a discussion of this finding. In 1991, the Agency gathered information from the ten highest emitters of asbestos from asbestos processing facilities in the Nation to estimate the threat to human health from these facilities. Asbestos processing includes asbestos milling, manufacturing and fabrication. Products

that are manufactured or fabricated using asbestos include, but are not limited to, textiles, papers and felts, friction materials, cements, vinyl-asbestos floor tiles, gaskets and packings, shotgun shell wads, asphalt concrete, fireproofing and insulating materials, and chlorine. As cited in the area source finding, information on asbestos emissions was limited at that time by the lack of an appropriate measurement method. Therefore, engineering estimates of asbestos emissions were developed, which were based in part on the hypothesis that the concentration of asbestos in particulate matter emitted from fabric filtration (baghouse) control devices operated at these facilities was the same as the concentration of asbestos in the captured particulate matter.

After the asbestos processing source category was included in the initial list under section 112(c)(1) and section 112(c)(3), the Agency collected information under the authority of section 114 of the Act from all facilities that mill, manufacture, or fabricate asbestos or asbestos-containing products. This information was gathered for development of the maximum achievable control technology (MACT)/generally available control technology (GACT) asbestos processing standard. From this information collection activity, new measurements of asbestos emissions were obtained. This new information was supplied by a company that operates two of the facilities that had been included in the 1991 study used to establish the area source finding for asbestos processing. Details on the new test information are discussed in the document entitled, "Particulate and Asbestos Emission Study", [Docket No. A-94-69]. The Agency reviewed the methods used to test this facility and concluded that the emission estimates supplied by the company are valid. As a result of this information, the Agency now believes that due to the morphology of asbestos, fibers are captured selectively by fabric filtration devices (baghouses) with much greater efficiency than was previously thought. In addition, those two facilities now process less asbestos than previously, which has resulted in lower asbestos emissions.

The new emissions data indicate that emissions of asbestos are approximately 150 times lower than initially estimated and that the risk to the most exposed individual for both sources is below one in one million. In addition, the other eight sources in the initial study have either ceased operations or no longer use asbestos in their operations. Therefore, the MIR for all ten sources

that were the basis for the original listing are now below one in one million.

Moreover, EPA distributed information collection requests to over 250 other companies thought to be processing asbestos or asbestos-containing materials. The information provided by these other smaller potential sources of asbestos indicates that all potential asbestos processing sources are either no longer operating, not using asbestos, or using the emission control devices required under the current asbestos NESHAP, 40 CFR 61 § 61.140 *et. seq.* This information shows that the other sources in the asbestos processing source category also do not present a MIR of greater than one in one million.

Therefore, the Administrator has preliminarily determined that no source or group of sources in the category emits asbestos in quantities which may cause a lifetime risk of cancer greater than one in one million to the individual most exposed to asbestos emissions. As discussed earlier, EPA based its initial listing of this source category on the risk to human health caused by the carcinogenic properties of asbestos emissions. EPA has no information regarding whether or not there are adverse environmental effects of these emissions or whether or not noncarcinogenic effects of such asbestos emissions are at a level that is adequate to protect human health with an ample margin of safety. However, as the original listing of this source category was based on the carcinogenic effects of asbestos, and as the new information substantially refutes the original data upon which EPA based its initial decision to list this source category, EPA believes that a delisting would be appropriate in these circumstances. If this finding is finally determined to be accurate, the Agency will delete the asbestos processing source category from the source category list pursuant to section 112(c)(9) of the Act.

The Administrator has also made a preliminary decision to delete the asbestos processing area source category under section 112(c)(1), based on new information not in EPA's possession at the time of listing. The Agency would not have listed this source category had this information been available at the time of listing. EPA has made a preliminary decision that this area source category does not present a threat of adverse effects to human health or the environment sufficient to warrant regulation under section 112(d) of the Act. Additional information on this decision is available in the docket. (Docket no. A-94-69)

EPA notes that the information collected in connection with this preliminary decision also shows that a subcategory of asbestos processing sources, the friction product manufacturing subcategory, has individual facilities which emit more than 10 tons/year of a single non-asbestos HAP or more than 25 tons per year of a collection of non-asbestos HAPs (methyl chloroform, methyl ethyl ketone, formaldehyde, phenol, and toluene). Therefore, EPA intends to add this subcategory to the source category list as a major source category in a general revision to the source category list that is currently being developed.

III. Administrative Requirements

A. Docket

The docket (Docket no. A-94-69) is an organized and complete file of all the information submitted to or otherwise considered by the Agency in the development of this proposed revision to the initial list of categories of sources. The principal purpose of this docket is to allow interested parties to identify and locate documents that serve as a record of the process engaged in by the Agency to publish today's proposed revision to the initial list and schedule.

B. Executive Order 12866

Under Executive Order (E.O.) 12866, the EPA must determine whether the proposed regulatory action is "significant" and therefore, subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has determined that this action is "significant". As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations are documented in the public record.

C. Paperwork Reduction Act

This action does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act, 55 U.S.C. 3501 *et seq.*

D. Regulatory Flexibility Act Compliance

Pursuant to 5 U.S.C. 605(6), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements.

Dated: January 13, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95-1669 Filed 1-23-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5143-1]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to the Simpson Paper Company and Opportunity To Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative penalty and opportunity to comment.

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Pursuant to 33 U.S.C. Section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. Section 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II

proceeding for the assessment of penalties:

In the Matter of Simpson Paper Company, Humboldt Pulp Mill, Humboldt County, CA, Docket No. CWA-309-IX-FY95-01; filed on January 9, 1995 with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389; proposed penalty of \$90,000, for discharges of pollutants in violation of an NPDES permit. EPA and the Simpson Paper Company have agreed to a proposed Consent Agreement in which the Simpson Paper Company shall pay a civil penalty of \$32,500 and, in addition, fund approximately \$60,000 worth of fisheries habitat restoration projects. The work on these projects will be performed by third parties.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, review the complaint or other documents filed in this proceeding, comment upon the proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.

Dated: January 11, 1995.

Alexis Strauss,

Acting Director, Water Management Division.

[FR Doc. 95-1666 Filed 1-23-95; 8:45 am]

BILLING CODE 5650-50-P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The